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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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CRICUT, INC., a Delaware corporation,  
  
Plaintiff,

v.

ENOUGH FOR EVERYONE, INC., a Nevada  
corporation, and DESIRÉE TANNER, an  
individual,  
  
Defendants.

**MOTION FOR LEAVE TO  
FILE UNDER SEAL  
EXHIBITS A AND B TO THE  
COMPLAINT**

Case No. 2:21-cv-00601-DBB

Judge David Barlow

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Pursuant to [DUCivR 5-3](#), Plaintiff Cricut, Inc. (“Cricut”) through counsel, hereby moves

this Court for an order granting Cricut leave to file Exhibits A and B to Cricut's Complaint under seal.

### **RELIEF SOUGHT AND SPECIFIC GROUNDS THEREFORE**

Cricut initiated this action against Enough for Everyone, Inc. and Desirée Tanner ("Defendants") by filing its Complaint, attached to which are two exhibits—Exhibits A and B—which contain highly sensitive trade secrets and confidential information pertaining to Cricut's and Defendants' business operations, and Cricut moves the Court to seal Exhibits A and B to the Complaint.

### **ARGUMENT**

By this motion, Cricut seeks to file as sealed Exhibits A and B to its Complaint. Pursuant to [DUCivR 5-3\(a\)](#), "[o]n motion of a party and a showing of good cause, a judge may order that a Document be sealed." The sealing of documents, including exhibits, is discouraged "unless a document contains privileged information, is protectable as a trade secret, or is otherwise protectable under the law." [IBC Advanced Techs., Inc. v. Ucore Rare Metals, Inc.](#), 2:19-cv-222, 2019 WL 2502936, 2019 U.S. Dist. LEXIS 101776 at \*3 (D. Utah June 17, 2019). This Court has consistently sealed exhibits which constitute trade secrets. *See, e.g., Clearone Communs., Inc. v. Chiang*, 2:07-cv-037, 2011 WL 2414396, 2011 U.S. Dist. LEXIS 63125 at \* 6 (D. Utah June 13, 2011) ("Many of the documents in this case are sealed for 'compelling reasons' because they contain protected, proprietary or trade secret information."); [Adams v. Gateway, Inc.](#), 2:02-cv-106, 2003 WL 23787856, 2003 U.S. Dist. LEXIS 28559 at \*7 (D. Utah Dec. 30, 2003) ("Almost all materials submitted by both parties on this issue have been sealed because of the trade secrets involved.").

Cricut seeks to place under seal Exhibits A and B as they contain privileged and confidential information and constitute protectable information under the law. Exhibits A and B are contracts between Cricut and Defendants, which contracts contain strict confidentiality

provisions in which Cricut and Defendants agreed that the contents of the contracts are and should remain confidential. See Exhibit A §§ 1.7, 7.1, 8.6; Exhibit B §§ 6.1, 6.3. The confidentiality provisions were agreed to, and confidentiality remains important, because the two contracts contain sensitive business information and trade secrets relating to such things as intellectual property, product development, and the sale of products, which information Cricut—and, presumably Defendants—have maintained in confidentiality to protect Cricut’s business and interests. Pursuant to [DUCivR 5-3\(b\)\(1\)](#), Cricut separately has filed redacted copies of Exhibits A and B with the Court.

### **CONCLUSION**

Based on the foregoing, Cricut respectfully requests that the Court enter an Order permanently sealing Exhibits A and B to the Complaint.

DATED this 13th day of October, 2021.

SNELL & WILMER, L.L.P.

/s/ Jeremy J. Stewart

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